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PATENT
Attorney Docket No.: JAG-00113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1744
James A. Gavney, Jr.) Examiner: Chin, Randalie
Serial No.: 10/692,837) **REQUEST THAT ERRONEOUS PAYMENT**
Filed: October 24, 2003) **OF STATUS AS SMALL ENTITY BE**
For: **ORAL-CARE DEVICE AND**) **EXCUSED (37 C.F.R. § 1.28(c))**
SYSTEM) 162 N. Wolfe Road
Sunnyvale, CA 90486
(408) 530-9700
Customer No. 28960

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On January 19, 2007, we inadvertently paid the Issue Fee as small entity status. The issue fee for the above referenced application was paid in good faith as a small entity. However through a clerical error the USPTO was not notified of a loss of entitlement to small entity status as required by § 1.27 (g)(2). Applicant hereby notifies the USPTO that this application is not entitled to status as a small entity. A check in the amount of \$700.00 is enclosed to cover the difference of the issue fee payment as large entity.

It is requested that the appropriate difference in filing fees, for a large entity, be charged from our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: 1/24/2007

By:

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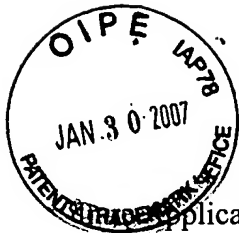
James A. Gavney, Jr.
Reg. No.: 45,687

Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. 1.6(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 1-26-07



PATENT
Attorney Docket No.: JAG-00113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

James A. Gavney, Jr. et al.

Serial No.: 11/692,837

Filed: October 24, 2003

For: **ORAL-CARE DEVICE AND
SYSTEM**

) Group Art Unit: 1744

) Examiner: Chin, Randalle

) **TRANSMITTAL LETTER**

) 162 N. Wolfe Road
) Sunnyvale, CA 94086
) (408) 530-9700

) Customer No. 28960

MS: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a statement of notification of loss of entitlement to small entity status and a request that erroneous payment of status as small entity be excused (37 C.F.R. § 1.28 (c)) for filing in the U.S. Patent and Trademark Office. Also enclosed is a check in the amount of \$700.00 to cover the difference of the issue fee payment as large entity.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 1/26/2007

By: _____

James A. Gavney, Jr.
Reg No.: 45,687

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 1-26-07 For: [Signature]